

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAREN JEAN MILLER,)	CV F 05-0106 REC WMW HC
)	
Petitioner,)	ORDER GRANTING PETITIONER'S MOTION
)	FOR VOLUNTARY DISMISSAL AND
v.)	DIRECTING ENTRY OF JUDGMENT FOR
)	RESPONDENT
CDC - BOARD OF PRISON TERMS,)	
)	[Doc. 16]
Respondent.)	

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 17, 2006, Petitioner filed a motion for voluntary dismissal of this case. Under Rule 41(a) of the Federal Rules of Civil Procedure, a party may voluntarily dismiss an action without leave of court any time before the opposing party files an answer. Respondent has not yet filed a responsive pleading in this case.

Accordingly, IT IS HEREBY ORDERED as follows:

- 1) Petitioner's motion for voluntary dismissal of this action is GRANTED;
- 2) This action is DISMISSED without prejudice;
- 3) The Clerk of the Court is directed to CLOSE this case and to enter judgment for Respondent.

IT IS SO ORDERED.

Dated: March 21, 2006
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/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE